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**OFFICE OF PETITIONS**

In re Application of :  
Jianzhu Chen, et. al. :  
Application No. 10/674,087 : **ON PETITION**  
Filed: September 29, 2003 :  
Attorney Docket No. 0492611-0507(MIT 10396) :

This is a decision on the petition under 37 CFR 1.137(b), filed on February 8, 2007, to revive the above-identified application.

The above application became abandoned for failure to file a proper reply to the final Office action mailed July 12, 2006.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114, with the \$395 filing fee; (2) the petition fee of \$750; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office acknowledges receipt of \$285 for a three (3) months extension of time. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$285 extension of time fee was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited back to the credit card.

This application is being revived for consideration of the RCE filed on February 8, 2007.

The application file is being referred to Technology Center Art Unit 1635, for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith  
Petitions Examiner  
Office of Petitions